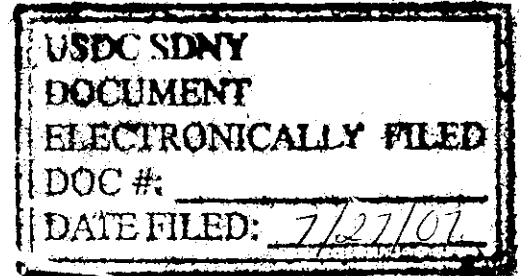


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x

EMILIANO SALAS, on behalf of himself and all other :
persons similarly situated, :

Plaintiff, :

-against- :

99 CENTS FOR YOU, INC., :

Defendant. :

----- x

07 Civ. 3430 (BSJ) (AJP)

RULE 16 INITIAL PRETRIAL
CONFERENCE ORDER

ANDREW J. PECK, United States Magistrate Judge:

Based on the Initial Pretrial Conference pursuant to Rule 16, Fed. R. Civ. P., held on July 27, 2007 before Magistrate Judge Andrew J. Peck, IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion re notice for collective action is due by August 24, 2007, defendant's opposition is due by September 7, 2007.
2. All fact and expert discovery must be completed by October 31, 2007. Expert reports must be served by October 5, 2007. Mandatory initial disclosure pursuant to Rule 26(a)(1), Fed. R. Civ. P., is due August 31, 2007.
3. Each party will notify this Court by November 2, 2007 as to whether it intends to move for summary judgment. Summary judgment motions must be filed by

November 21, 2007, and must comply with the Federal Rules of Civil Procedure, the Local Rules of this Court, and the chamber rules of the District Judge to whom this case is assigned.


4. The parties are to submit a joint proposed pretrial order, in conformance with the Federal Rules of Civil Procedure, the Local Rules of this Court, and the chamber rules of the District Judge to whom this case is assigned, by November 30, 2007 if neither party is moving for summary judgment, or 30 days after decision on the summary judgment motion. The case will be considered trial ready on 24-hours notice after the pretrial order has been submitted.

5. A status conference will be held before the undersigned on September 20, 2007 at 9:30 a.m. in Courtroom 20D (500 Pearl Street).

6. The parties are directed to follow the "Individual Practices of Magistrate Judge Andrew J. Peck," a copy of which was previously provided.

SO ORDERED.

DATED: New York, New York
July 27, 2007



Andrew J. Peck
United States Magistrate Judge

Copies **by fax & ECF** to: Justin A. Zeller, Esq.
Antonia C. Kousoulas, Esq.
Judge Barbara S. Jones